

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
June 15, 2004  
7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, June 15, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Sheila S. Noll was absent.

Invocation. The Reverend Carlton Bakkum from Grace Episcopal Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

**HIGHWAY MATTERS**

Mr. Steven Hicks, Resident Engineer, Virginia Department of Transportation (VDOT), provided handouts to the Board depicting drainage schedules, project fact sheets, and funding of the secondary road systems. He stated that 27 of the 327 drainage complaints had been completed. He discussed the proposed plans for Route 17, including the original scope of the improvements in 2000-03, to widen the area between Wolftap Road and Route 134. He explained the schedule had not been impacted by the budget reductions, and VDOT anticipates having a public hearing in 2004, the right-of-way acquisitions in the Summer of 2005, with advertising in the Fall of 2007. He suggested it would be the end of 2010 before this project, costing \$35 million, would be complete. The original six-year draft plan showed it was fully funded up to FY2010, based on the projected revenues expected to come from the General Assembly; but once the budget was passed, projects had to be identified for reduction to make up for the \$1.3 billion that was not received from the state, leaving a balance on the Route 17 project of \$13.3 million, with potentially more reductions to occur. Mr. Hicks encouraged the Board to take whatever action necessary to ensure that the project will continue. He then discussed the draft Six-Year Plan, noting only \$40 million statewide will be applied for preliminary engineering work. By 2010 once the large projects are completed, there may be only one or two projects left remaining to be constructed in the state. He stated there are no projects for Route 64 improvements in the Six-Year Plan and very few primary projects. In general, Mr. Hicks stated the transportation program is winding down on a local level, and the Board and staff will have to make some tough decisions as to which projects will be committed to in the future.

Mr. Burgett asked about the Fort Eustis Boulevard project.

Mr. Hicks stated the project is still place, but VDOT is looking at the impacts to the allocations until FY07, 08, 09, and 10.

Mr. Zarembo mentioned the \$13 million shortfall for Route 17, and he asked for an explanation for why the County would not be impacted by the budget session in Richmond.

Mr. Hicks stated that VDOT had projected higher revenues than what the General Assembly ultimately approved, explaining that the General Assembly did not include any funding for

transportation. He stated additional reductions have to be made before the six-year plan can be finalized.

Discussion ensued on transportation funding.

Mr. Bowman thanked VDOT for its work on Seaford Road and stated the citizens are now using the shoulder of the road for bike riding and walks. He stated he was also pleased with VDOT's ditch cleaning in the area. He then referred to an article written by the VDOT commissioner indicating a gloomy outlook, and he asked if it was an accurate outlook and if there would be no more revenue until the next meeting of the General Assembly.

Mr. Hicks stated it was correct.

Mr. Bowman stated he felt the Board should hold the elected officials responsible for the items on its legislative agenda. He noted that when the legislators start taking millions of dollars out of the already allocated budget for road improvements, ditches, and drainage, etc., it cannot be replaced fast enough to make it work. He then mentioned the resurfacing of Victory Boulevard, and he stated that with a little extra money, the work could have probably been done on the coattails of Hurricane Isabel if there had been time to map it out. He indicated the County could have gotten some emergency funding put back in the Residency so that drainage issues could have been addressed. Mr. Bowman stated he hoped to make it an agenda item soon to see if the General Assembly would add a line item of money funneled back into the residency to take care of that.

Further discussion ensued on transportation funding.

Chairman Shepperd mentioned the study from the Hampton Roads Planning District Commission on the Wythe Creek/Cary's Chapel Road intersection, which is not in York County but affects the County. He asked if VDOT received these types of studies.

Mr. Hicks stated he does receive the studies and explained how VDOT uses them.

Chairman Shepperd then asked if the new lane on Victory Boulevard and Route 17 could not be made into a turn lane and straight lane. He further mentioned that Calthrop Neck Road needs the same type of repair to its ditches as did Edgewood.

## **PRESENTATIONS**

### **COMPREHENSIVE PLAN UPDATE**

Mr. Carter provided the Board with an update on the Comprehensive Plan that the state requires to be reviewed every five years. He spoke of the work program that will target September 2005 as the adoption date by the Board. The process is to discuss the current plan and decide if amendments are necessary. He stated a very intense public input/public discussion process would be guided by a steering committee made up of a board member, a member of the Planning Commission, the Industrial Development Authority, the Transportation Safety Commission, the Beautification Committee, the School Board, the Youth Commission, the York County Chamber of Commerce, and a representative from the homeowners association group. He stated a communications outreach group that will be an ad hoc type committee will also be formed to get the word out. Mr. Carter stated the goal is to reach as many homeowners associations as possible, including a series of neighborhood meetings in the fall of this year.

Mr. Burgett stated he felt an important thing would be matching the Land Use Plan with the Zoning Ordinance and Comprehensive Plan.

Mr. Bowman stated it is a great opportunity for the public to become involved and get in on the ground floor of this important document. He asked how citizens could obtain the Comprehensive Plan.

Mr. Carter listed the ways in which to obtain a copy.

Mr. Zaremba asked when the steering committee would be formed. He suggested they not overload the steering committee or any other subcommittees with special interest groups. He cited examples of several groups with a majority of those groups being special interest.

Chairman Shepperd stated that the County's Zoning Ordinance is invalid without the Comprehensive Plan, and he encouraged those citizens who have plans for their property to pay attention to it. He mentioned that comprehensive rezoning could be the outcome of the procedure.

Mr. Carter stated the Board will need to look at the Zoning Ordinance after adoption of the Comprehensive Plan to see if any adjustments are necessary and that the Comprehensive Plan and Zoning Ordinance had been relatively stable for the past 14 years. He explained there are always areas that could be adjusted once the Comprehensive Plan exercise is complete.

Chairman Shepperd suggested the Board members be provided with periodic updates to let them know the status.

#### **CITIZENS COMMENT PERIOD**

No citizens were present to provide comments at this time.

#### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett stated his office was up and running full speed with the return of the Assistant County Attorney. He announced that the 2004 legislation from the General Assembly would soon be forwarded to the Board for its review.

Chairman Shepperd suggested the information be forwarded to the Board in a categorized manner, a little at a time, rather than a large amount at one time.

#### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Carter reminded the Board of its upcoming meeting originally scheduled for July 20, 2004. By consensus of the Board, he noted that a resolution was on the Consent Calendar to change that meeting to July 13, 2004. He also noted that a work session has been tentatively scheduled for that evening at 5:30 to discuss solid waste issues. If the Board is in agreement, Mr. Carter explained the Board would need to adjourn this meeting to the 13<sup>th</sup> of July. After July, he noted the next regularly scheduled meeting is August 3.

#### **CONSENT CALENDAR**

Mr. Burgett moved that the Consent Calendar be approved as submitted, Item Nos. 2, 3, 4, and 5, respectively.

On roll call the vote was:

Yea:	(4)	Zaremba, Bowman, Burgett, Shepperd
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

#### **Item No. 2. APPROVAL OF MINUTES**

The minutes of the following meeting of the York County Board of Supervisors were approved:

May 18, 2004

Item No. 3. CHANGE OF BOARD OF SUPERVISORS' MEETING DATE: Resolution R04-100.

## A RESOLUTION TO RESCHEDULE THE JULY 20, 2004, REGULAR MEETING OF THE YORK COUNTY BOARD OF SUPERVISORS TO JULY 13, 2004

WHEREAS, a regular meeting of the York County Board of Supervisors is scheduled for Tuesday, July 20, 2004, and the Board wishes to reschedule it for Tuesday, July 13, 2004; and

WHEREAS, Section 15.2-1416 of the Code of Virginia permits a governing body to change its date, time, or place of a meeting, providing that it adopts an appropriate resolution and properly posts and advertises said resolution;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of June, 2004, that the regular meeting of the York County Board of Supervisors scheduled for Tuesday, July 20, 2004, be, and it is hereby, rescheduled for 7:00 p.m., Tuesday, July 13, 2004, to be held in the Board Room, York Hall.

BE IT FURTHER RESOLVED that the County Administrator be, and he is hereby, directed to post and advertise this resolution in accordance with Section 15.2-1416 of the Code of Virginia.

Item No. 4. PURCHASE AUTHORIZATION: Resolution R04-101.

## A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR PUMP STATION WET WELL REHABILITATION

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of June, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

Barcroft Pump Station Wet Well Coating	<u>AMOUNT</u>
	\$44,295

Item No. 5. ACCEPTANCE OF GRANT FUNDS FOR SHERIFF'S OFFICE: Resolution R04-102.

## A RESOLUTION TO ACCEPT AND APPROPRIATE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FUNDS IN THE AMOUNT OF \$168,145 TO ASSIST THE SHERIFF'S OFFICE IN DEVELOPING CAPABILITIES FOR DETECTING, DETERRING, DISRUPTING AND PREVENTING ACTS OF TERRORISM

WHEREAS, the County is vulnerable to the threat of terrorism and the Sheriff's Office, as well as the Department of Fire Life and Safety, are the first responders to such events; and

WHEREAS, the U.S. Department of Homeland Security is making funds available to localities to assist in their terrorism preparation and prevention efforts; and

WHEREAS, the Virginia Department of Emergency Management (VDEM) has been designated as state manager of the grant; and

WHEREAS, the funding purchases authorized by this grant are restricted to planning, training, exercises, organizational activities and equipment projects and objectives to support identified in the County's 2003 State Homeland Security Assessments previously submitted to the Virginia Department of Emergency Management and do not require a local match; and

WHEREAS, the County has been awarded \$168,145 by the Department of Homeland Security through the Virginia Department of Emergency Management;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of June, 2004, that the County Administrator be and hereby is authorized to accept and appropriate grant funds in the amount of \$168,145 toward the purchase of resources as specified in the notification of funding and according to needs identified by the Sheriff's Office; to execute any necessary grant agreements, related contracts, or other documents, subject to approval as to form by the County Attorney; to provide such additional information as may be required by the terms of the grant agreement; and to do all things necessary to implement the Law Enforcement Terrorism Prevention Program.

Meeting Recessed. At 7:52 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvene. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **AMENDMENT TO YORK COUNTY CODE: PAWNBROKERS**

Mr. Barnett gave a presentation on proposed Ordinance No. 04-13 to amend Section 14-30 of the York County Code relating to pawnbrokers and dealers in secondhand goods to require both to obtain a license and to maintain certain records of goods purchased or taken in pawn.

Mr. Zaremba asked if the definition of a store that deals in secondhand goods included antique dealers and how many businesses in the County this would affect.

Mr. Barnett provided definitions of the stores affected, including antique dealers.

Mr. Troy Lyons, Investigator, Sheriff's Department, stated this ordinance may impact six stores in the County and that antique dealers were not typically involved in the purchase of secondhand items from people who walk in off the street. He explained that the stores have already been cooperating with the Sheriff's Department in providing records of items received, which is one of the reasons the change was requested to the ordinance.

Mr. Zaremba stated to some degree the antique businesses operate in terms of secondhand goods. He questioned the significant task in trying to implement the ordinance, and he stated he felt it would put a burden on those shops to keep up with the bookkeeping.

Mr. Lyons stated the businesses the Sheriff's Office had identified are the ones that purchase items off the street on a regular basis. He stated the Antique Mall and Galleria were not regularly in the business of people walking in off the street and selling things to them. He explained they may go out and buy something secondhand to bring in and sell, and the same would happen with the pawn shop or secondhand dealer.

Mr. Barnett explained the language used in ordinance, as it did not expressly reference consignment shops. He stated he did not think the ordinance applies expressly to the consignment transaction because the person who operates the consignment shop is neither buying nor selling.

Mr. Zaremba asked if the establishment on its own buys secondhand goods to sell, would it be governed by the ordinance.

Mr. Barnett stated the person who runs the consignment shop would not be covered, but the person who regularly consigns articles there for resale and then sells them by means of an arrangement with the consignment shop would be covered.

Discussion ensued over what kind of secondhand operations would need to report sales.

Mr. Barnett stated the words "without limitation" could be inserted in paragraph (2) entitled "Dealer in Secondhand Goods" that would broaden the scope as to which stores would need to report sales.

Chairman Shepperd then called to order a public hearing on proposed Ordinance No. 04-13 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 14-30 RELATING TO PAWNBROKERS AND DEALERS IN SECONDHAND GOODS, REQUIRING BOTH PAWNBROKERS AND DEALERS IN SECONDHAND GOODS TO OBTAIN A LICENSE, AND TO MAINTAIN CERTAIN RECORDS OF GOODS PURCHASED OR TAKEN IN PAWN

There being no one present who wished to speak concerning the subject ordinance, Chairman Shepperd closed the public hearing.

Mr. Burgett then moved the adoption of proposed Ordinance 04-13(R) which reads:

AN ORDINANCE TO AMEND SECTION 14-30 RELATING TO PAWNBROKERS AND DEALERS IN SECONDHAND GOODS, REQUIRING BOTH PAWNBROKERS AND DEALERS IN SECONDHAND GOODS TO OBTAIN A LICENSE, AND TO MAINTAIN CERTAIN RECORDS OF GOODS PURCHASED OR TAKEN IN PAWN

BE IT ORDAINED by the York County Board of Supervisors this 15th day of June, 2004, that section 14-30, York County Code, be and it is hereby amended to read and provide as follows:

**Sec. 14-30 Pawnbrokers and Dealers in Secondhand Goods.**

- (a) *License required.* No person shall engage in the business of a pawnbroker or a dealer in secondhand goods in the County without having a valid pawnbroker or dealer license issued by the commissioner of the revenue; however, the provisions of this section shall not apply to any pawnbroker licensed in the Commonwealth of Virginia prior to July 1, 1998.
- (b) *Definitions:*
  - (1) *Pawnbroker.* For purposes of this section, "pawnbroker" means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnbroker who also engages in the sale and purchase of secondhand goods shall nonetheless be deemed a "pawnbroker" for purposes of this section, and shall not be required to be licensed as a dealer in secondhand goods. Such person shall, however, comply with all requirements set forth herein for the purchase and sale of secondhand goods.

- (2) *Dealer in secondhand goods.* For purposes of this section, a "dealer in secondhand goods" (also referred to herein as a "dealer") is any person engaged in the business of buying or selling secondhand or used articles, without limitation, including junk dealers, antique dealers, dealers in secondhand clothing, furniture, appliances and similar articles and itinerant buyers or sellers, except that a person participating in licensed antique shows, arts and crafts shows and collectors shows shall not be considered dealers. "Dealer" shall also include all employers and principals on whose behalf a purchase is made and any employee or agent who makes any purchase on behalf of his employer or principal.
- (c) *Applications for pawnbroker and dealer license.* Applications for pawnbroker and dealer licenses shall be under oath, shall be on a form approved and provided by the commissioner of the revenue, and shall include the following:
  - (1) The name, any aliases, address, date of birth, fingerprints and a photograph of the applicant.
  - (2) The address of the building where the applicant proposes to carry on the pawnbroker or dealer business.
  - (3) A copy of a certificate of zoning compliance evidencing that the building where the applicant proposes to carry on the pawnbroker or dealer business is properly zoned for such use.
  - (4) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth, involving the applicant.
  - (5) As to pawnbrokers, authorization from a circuit court pursuant to the provisions of section 54.1-4001, Code of Virginia, for the commissioner of the revenue to issue a pawnbroker license to the applicant.
  - (6) A statement as to whether or not the applicant will purchase, sell or take possession of firearms.
  - (7) A statement as to whether or not the applicant will deal in precious metals and gems.
  - (8) Any other information which the commissioner of the revenue reasonably determines may be necessary to determine compliance with federal, state or local laws.
- (d) *Review of pawnbroker applications.* The commissioner of the revenue shall furnish to the circuit court or the sheriff any portion of the application necessary for them to determine whether the applicant for a pawnbroker license has complied with the requirements of §§ 54.1-4001, *et seq.*, Code of Virginia.
- (e) *Duration; renewal fee; transfer.* Pawnbroker and dealer licenses shall be valid for a period of two (2) years from the date of issuance thereof, and may be renewed in the same manner as the initial license was issued. The fee for licenses and renewals shall be one hundred dollars (\$100.00). No license shall be transferable.
- (f) *Location.* No person shall engage in the business of a pawnbroker or dealer in any location other than the one designated in his license, except in the case of a pawnbroker with the consent of the court which authorized the license.
- (g) No person shall be licensed as a pawnbroker or dealer or engage in the business of a pawnbroker or dealer without having in existence a bond meeting the requirements of § 54.1-4003, Code of Virginia, applied to dealers *mutatis mutandis*.

- (h) *Records to be kept; credentials of person pawning, selling, or purchasing goods; fee; penalty.* Every pawnbroker and dealer shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale or are resold. The account shall be recorded at the time of the loan or transaction and shall include:
- (1) A description, serial number, and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale;
  - (2) The time, date and place of the transaction;
  - (3) The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
  - (4) The rate of interest to be paid on any loan;
  - (5) Any fees charged by a pawnbroker, itemizing each fee charged;
  - (6) The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging, selling or purchasing the goods, article or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person, such description to conform to any regulations promulgated by the Superintendent of State Police pursuant to § 54.1-4009, Code of Virginia, relative to records kept by pawnbrokers;
  - (7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
  - (8) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
  - (9) All other facts and circumstances respecting such loan, purchase, or sale.
- (i) *Electronic records retention.* A pawnbroker or dealer may maintain at his place of business an electronic record of each transaction involving goods, article or things pawned or pledged, purchased or sold. If maintained electronically, a pawnbroker or dealer shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.
- (j) *Service fees for pawned goods.* For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by subsection (k) hereunder, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less.
- (k) *Daily reports.* Every pawnbroker and dealer shall prepare a daily report of all goods, articles or things pawned or pledged with him or sold to him or sold by him that day and shall file such report by noon of the following day with the sheriff. The report shall include the pledgor's, seller's or buyer's name, residence, and driver's license number or other form of identification, and a description of the goods, articles or other things pledged, purchased or sold and, unless maintained in electronic format, shall be in writing and clearly legible to any person inspecting it. A pawnbroker or dealer may compile and maintain the daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the appropriate law-enforcement



officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. Such report shall conform to any regulations adopted by the Superintendent of State Police pursuant to § 54.1-4010, Code of Virginia, for the uniform reporting of information by pawnbrokers.

- (l) *Property pawned or purchased not to be disfigured or changed.* No property received on deposit or pledged or purchased by any pawnbroker or dealer shall be disfigured or its identity destroyed or affected in any manner (i) so long as it continues in pawn or in possession of the pawnbroker or dealer, or (ii) in an effort to obtain a serial number or other information for identification purposes.
- (m) *Right of entry of any law enforcement officer.* Every pawnbroker and dealer shall admit to his premises, during regular business hours, the sheriff or any law enforcement officer and shall permit such officer to examine all records required by this section and to examine and take into possession any article listed in a record which is believed by the officer to be missing or stolen.
- (n) *Prohibited purchases.*
  - (1) No pawnbroker or dealer shall take in pawn, buy or acquire any secondhand article from any seller who is under the age of eighteen (18) years.
  - (2) No pawnbroker or dealer shall take in pawn, buy or acquire any secondhand article from any seller who the pawnbroker or dealer believes or has reason to believe is not the owner of such item, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.
- (o) *Retention of purchases.*
  - (1) No pawnbroker shall sell any pawn or pledge until (i) it has been in his possession for a period of not less than thirty (30) days or such longer period as may be agreed to in writing by the pawnor, and (ii) a statement of ownership is obtained from the pawnor.
  - (2) Every dealer shall retain all secondhand articles acquired by him for a minimum of ten (10) calendar days from the date on which a copy of the record required by subsection (k) above is received by the sheriff. Until the expiration of this period, the dealer shall not sell, alter or dispose of any acquired item, in whole or in part, or remove it from the county.
- (p) *Compliance with state law.* Any person who engages in the business of a pawnbroker in the county shall comply with the provisions of §§ 54.1-4001 *et seq.*, Code of Virginia.
- (q) *Penalties for violations.* Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. Each day's violation shall constitute a separate offense.

On roll call the vote was:

Yea: (4) Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

#### **MATTERS PRESENTED BY THE BOARD**

Mr. Burgett noted he had attended the Bennett's Creek Nursery grand opening which is a new wholesale dealer to the County. He stated he attended the senior citizen prom at York High School and reported on the Board's support for the County's seniors. He also noted he and Mrs. Noll had attended the Little League meeting that met to find solutions for the League's concerns while waiting to build some type of sports complex in the County. Mr. Burgett congratulated all the County's seniors on their high school graduation.

Mr. Bowman reminded everyone of York High School's Golden Jubilee to be held June 25 – 27. He then listed the scheduled events of the jubilee and stated over 2,000 people had signed up to attend the function. He mentioned that tote bags would be handed out, and he suggested that some of the County businesses might wish to donate items for the bags or the silent auction. He also asked for volunteers for the County's July 4<sup>th</sup> celebration to help with the events. Mr. Bowman then noted he had attended the Transportation Safety Committee and stated traffic fatalities were down from last year, which is credited by the use of seat belts and an increase in State Police patrol. He mentioned the passing of the York Town Crier, Dick Ivy, who was a great individual and did a lot for the County.

Mr. Zaremba mentioned that the Board would not be meeting again before the 4<sup>th</sup> of July and stated there was no better place to be than Yorktown where the battle for this Country's freedom was fought and won. He addressed the baseball field at Queen's Lake Middle School, stating it was well kept in the spring, but now has been let go and turned into weeds. He suggested to Mr. Burgett that he bring that matter up at his next Little League meeting. Mr. Zaremba reported on how much litter has been collecting on the roadsides and suggested that citizens should be more vigilant in helping to eliminate litter. He noted he would speak to the Sheriff concerning the possibility of the deputies stopping to pick up trash or perhaps dead animals. He also mentioned the trouble with graffiti and the responsibility of citizens to report any graffiti that is witnessed

Chairman Shepperd followed up and stated that citizens could contact VDOT and the Adopt-a-Highway program to help eliminate litter. He stated he had attended a Chamber of Commerce meeting held at Grafton Dodge. The meeting was well attended, and the chamber is thriving as a new organization. He mentioned an audit that he and the County Administrator participated in to avoid the potential for fraud, and he stated he will be meeting with the Hampton Roads Planning District Commission and with the Chamber of Commerce during the coming week. He stated he will also attend the Shady Banks social, the Peninsula Alliance for Economic Development, and the Peninsula Mayors and Chairs meetings.

**CLOSED MEETING.** At 8:39 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to the salary of a specific public employee; and Section 2.2-3711(a)(3) pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (4) Burgett, Zaremba, Bowman, Shepperd  
Nay: (0)

Meeting Reconvened. At 9:05 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of June, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Zaremba, Bowman, Burgett, Shepperd  
Nay: (0)

Meeting Adjourned. At 9:07 p.m. Chairman Shepperd moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (4) Bowman, Burgett, Zaremba, Shepperd  
Nay: (0)

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James O. McReynolds, Clerk  
York County Board of Supervisors

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Thomas G. Shepperd, Jr., Chairman  
York County Board of Supervisors